

HOUSE BILL No. 1631

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-3-1-1.5.

Synopsis: Railway safety. Provides the department of transportation with safety inspection authority for railroad rights-of-way, terminals, rail yards, and rail loading and unloading facilities. Provides that the department may hold a hearing on a safety concern. Provides that after a hearing the department may order the removal of a dangerous or an unhealthy condition.

Effective: July 1, 1999.

Mellinger

January 21, 1999, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1631

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-3-1-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 1.5. (a) The department may inspect commercial**
4 **railroads, interurban railroads, and street railroads and the**
5 **conditions existing on all trains operating within the state,**
6 **including areas that are:**

7 (1) along the rail rights-of-way;

8 (2) in rail yards;

9 (3) in terminals; and

10 (4) at rail loading and unloading facilities connected to
11 property owned or operated by a railroad, except for those
12 areas of loading and unloading facilities requiring no access
13 for service by Class I railroads.

14 The inspection shall be conducted for the purpose of assuring the
15 safety, health, and comfort of rail customers, the general public,
16 and rail employees and for the purpose of abating and removing
17 dangerous or unhealthy conditions found to exist in these locations.

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1 (b) The department, on its own or in response to a request, may
2 have a hearing on a safety concern as to the presence of a
3 dangerous or an unhealthy condition on a train, along a
4 right-of-way, at a yard or terminal, or at a loading or unloading
5 facility connected to property owned or operated by a railroad.

6 (c) After the hearing, the department shall order the abatement
7 and removal of a dangerous or an unhealthy condition and order
8 improvements to be made remedying the dangerous or unhealthy
9 condition if the condition is shown to be dangerous to the health
10 and safety of the general public or the employees.

11 (d) The department may adopt rules under IC 4-22-2 to
12 implement and administer this chapter.

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